



COLORADO MULTI-JURISDICTIONAL VEST ADVISORY COMMITTEE

MINUTES

Meeting No. 02-2005

*November 3, 2005
633 Seventeenth Street, Suite 1200
Denver, Colorado 80202*

The second meeting (Meeting No. 02-2005) of the Colorado Multi-Jurisdictional Vest Advisory Committee was called to order on November 3, 2005, at 8:58 a.m.

MEMBERS PRESENT

Colorado Department of Personnel and Administration (DPA)

Jeffrey Wells, Executive Director
Rod Wolthoff, Committee Chair
Michael Wallace, Committee Vice Chair
Thomas Wells
Ronda McGovern, *Staff*



Law Enforcement Representatives

Lieutenant Colonel Bruce Davisson, Colorado State Patrol
Robert Dirnberger, Colorado State Patrol
Sheriff Grayson Robinson, Arapahoe County
Sergeant Marek Rybkowski, Denver Police Department
Officer Nancy Gifford, Colorado Springs Police Department
Commander Gil Otanez, Mesa Police Department
Officer John Abraham, Seattle Police Department
Lance Davenport, Utah Highway Patrol



Manufacturer Representatives

Georg Olsen, US Armor
Terry Riccardi, US Armor
Jody Eberhart, First Choice Armor
Mike Ott, First Choice Armor (Non-Voting Member)
Terry Neve, Neve's Uniforms (Non-Voting Member)





State Agency Representatives

Frank Volk, Utah Purchasing Department
John Baird, Colorado Attorney General's Office



Industry Representatives

Ed Hoffman, DuPont
Dieter Wachter, Hexcel



OTHER ATTENDEES

Sean Foster, Colorado Department of Corrections
John Riamondi, MSA
Katie McMillan, MSA

I. Introductions and Initial Remarks

Rod Wolthoff welcomed those in attendance and called the meeting to order by introducing Jeffrey Wells, Executive Director of the Colorado Department of Personnel and Administration. Mr. Wells also welcomed those in attendance.

All individuals present then briefly introduced themselves to the Committee. It was determined that a quorum had been achieved.

Mr. Wells stated that the Committee is strictly advisory. It is not a goal of the Committee to replace the NIJ. The purpose of the Committee is to advise the NIJ and state purchasing agencies regarding safety, purchasing and maintenance issues, and to develop recommended changes and adaptations to current testing standards. First and foremost, all recommendations should be beneficial to the safety of all end users.

Mr. Wells then signed the By-Laws of the Committee, which were adopted unanimously at the August 2, 2005, meeting. *See Attached File: [CO-MJVAC By-Laws](#)*

II. Administrative

Budget:

Mr. Wolthoff explained that, due to budgetary challenges, Colorado does not have an allocated budget for the Committee. Mr. Wolthoff encouraged members to consider avenues that would generate funds for the Committee.

CO-MJVAC By-Laws:

At the request of Jody Eberhart, Mr. Wolthoff reviewed the Committee's By-Laws, and discussed the governmental immunity clause. *See Section 24-10-103(4), C.R.S.*

Minutes and CO-MJVAC Website:

Michael Wallace reported that all Committee meeting minutes, which are public record, will be posted on the CO-MJVAC website at:

<http://www.colorado.gov/dpa/dfp/spo/mjvac.htm>

The adoption of the August 2, 2005, meeting minutes was postponed until the end of the day so that everyone in attendance could review them. Mr. Wallace stated that he had received requests to post the names of individual Committee members on the website. It is his preference to post only the names of represented agencies. He reported that all test results, including failures, had been posted on the website based on the majority vote at the August 2, 2005, meeting.

Committee Participation:

Mr. Wallace stated that several manufacturer representatives have expressed interest in becoming members of the Committee. However, only CVT manufacturers were included as members. It is a goal of the Committee to maintain a member balance between law enforcement personnel, agency representatives and manufacturers. Non-members are welcomed to attend and participate at Committee meetings, but they will not be permitted to vote on official Committee actions.

III. NIJ Interim Standard

Mr. Wallace explained that the NIJ interim standards, effective September 26, 2005, eliminated all body armor products from previous pass lists. Manufacturers will again need to pass tests based on the interim standards and, at a minimum, submit a letter of evidence that their products will last through the standard warranty period. Manufacturers were required to submit statements declaring product warranty periods to the NIJ within 90 days from September 26, 2005.

Discussion:

Georg Olsen reported that US Armor immediately instituted a 5-year warranty period, posted most models on the NIJ website and submitted a letter to NIJ.

Mr. Eberhart reported that First Choice Armor has also instituted a 5-year warranty period.

Mr. Wallace briefly discussed the information available on the NLECTC website. See www.nlectc.org/testing/armorfaq.html

NLECTC actually performs testing for the NIJ. Most of the CVT products are also listed on this website and are in compliance with NIJ interim standards. After January 1, 2006, Mr. Wallace anticipates that all CVT products will be in compliance. The NIJ has issued a Request for Information (RFI) in order to acquire information from many sources regarding proposed permanent standards. Responses to the RFI are due by November 14, 2005. In his opinion, the NIJ is at least two years from instituting permanent standards. Mr. Eberhart and Mr. Olsen stressed that the Committee should compile and submit a response to the RFI.

Motion: Upon review of the Agenda, Mr. Wallace moved to revise the Agenda to eliminate the subcommittee breakouts and to alternatively hold a general discussion with all Committee members in order to compile a response to the RFI. The motion was seconded and carried unanimously. See Attached File: [Agenda](#)

IV. Committee Membership

Mr. Wolthoff observed that some in attendance were not members of the Committee and were not permitted to vote on motions made before the Committee. Mr. Wallace suggested that new participants inform a Committee member if they were interested in joining the Committee. Mr. Wallace cautioned that the Committee membership should be balanced between representatives from state agencies, law enforcement and manufacturers.

Motion: Mr. Eberhart moved that the Committee vote to accept all law enforcement representatives as members. The motion was seconded and then withdrawn.

Motion: Mr. Wallace moved that the Committee vote to include represented law enforcement agencies rather than individual members. The motion was seconded and carried unanimously.

Motion: Mr. Eberhart moved to form a separate membership category of industry representatives. The motion was seconded and carried unanimously.

Discussion:

John Riamondi and Katie McMillan, MSA representatives, expressed interest in potential membership. However, it was noted that MSA is not a CVT manufacturer. Mr. Wallace stated that he had no objection to a vote regarding MSA membership, except that the potential could then arise that all manufacturers who have not passed CVT standards would insist on membership.

Officer John Abraham noted that more law enforcement agencies would participate if the Committee could fund travel expenses. Many law enforcement agencies are experiencing budget issues and cannot allocate funds for this purpose. Mr. Wallace stated that he intends to approach the national law enforcement agencies to request funding. These national organizations were initially invited to participate in the Committee, but chose not to do so. Mr. Wallace further stated that he would like to extend membership invitations to all law enforcement agencies because membership might enable the agencies to leverage individual state support.

Mr. Olsen suggested that all manufacturers who have passed CVT standards, as well as representatives from all supporting states, should be considered for membership.

Industry Observers:

Ed Hoffman, from DuPont, and Dieter Wachter, from Hexcel, were introduced to the Committee.

Motion: Mr. Olsen moved to vote DuPont as an industry member of the Committee. Mr. Wallace seconded the motion, and it carried unanimously.

Mr. Hoffman stated that the Committee should seriously consider adding MSA as a member.

Motion: Mr. Olsen moved that voting membership be restricted to and a right of awarded CVT manufacturers and/or **participating** agencies involved in the CVT program. Mr. Wallace seconded the motion, and it carried unanimously.

The meeting was adjourned at 10:20 a.m. and called back to order by Mr. Wolthoff at 1:47 a.m.

V. General Discussion

Mr. Wallace discussed the Body Armor Manufacturer Discussion Group meeting scheduled for November 4, 2005. All non-member manufacturer representatives were invited. Many manufacturers are interested in meeting with the Committee because the NIJ will not meet with them. The main complaint that Mr. Wallace receives from manufacturers is that the CVT is affecting their businesses and profits. Mr. Wallace thanked Mr. Eberhart for organizing the discussion group.

Mr. Olsen opined that the timing of the formation of this Committee is fortuitous. He believes that the Committee can be a true factor in shaping new NIJ standards. State agencies are currently experiencing budget issues due to the need to replace defective vests, and most do not know how many of their vests are affected and how many should be replaced.

Mr. Wallace stated that it is typical for agencies to either reimburse officers for vest purchases or to buy the vests directly. If they reimburse an officer, some agencies state that they are not responsible for replacement. Others have a policy that the officer must purchase CVT armor in order to be reimbursed. A few agencies mistakenly believe that they lose liability when an officer purchases his own armor. Agencies should mandate the type of armor their officers must wear.

Sergeant Marek Rybkowski reported that the Denver Police Department would be issuing a directive that officers will not be reimbursed unless the purchased product is CVT compliant.

VI. Subcommittees

Warranty/QA/QC Subcommittee:

In Jeffrey Cantrell's absence, Mr. Eberhart reported that the subcommittee is in the process of developing recommended minimum standards for quality control, process testing, and warranty requirements.

Mr. Olsen stated that the central issue for the 05 NIJ standards is product warranties. By requiring manufacturers to determine and certify their own warranty periods, the NIJ removes itself from liability. The impetus is to put manufacturers in control of the product. However, manufacturers are frustrated because they have no control over care, wear, fit, or maintenance. Mr. Wolthoff opined that manufacturers would soon make warranties contingent upon specific care and maintenance throughout the life of the product.

Care, Wear, Fit and Maintenance Subcommittee:

Mr. Olsen reported that the actions of this subcommittee have been temporarily tabled. Dupont has not completed the instructional video discussed at the August 2, 2005, Committee meeting. The subcommittee has not received any information from any law enforcement members regarding what they would prefer to see addressed with respect to care, wear, fit and maintenance.

Action Item: Prior to the next meeting of the Committee, the manufacturer representatives will draft detailed instructions regarding the care, fit and maintenance of protective vests.

Used Vest Testing/CVT Subcommittee:

Mr. Wallace provided an explanation of the current V-50 testing procedures. *See Attached File: [August 2, 2005 Minutes](#)*

V-50 is an average standard requirement. Not all penetrations will be stopped at that standard. In NIJ certified test laboratories, the environment is controlled and variance is not always apparent. Vests are not tested with duty ammunition. Mr. Wallace opined that the NIJ is most likely considering modifying or removing the V-50 standards.

Mr. Eberhart stated that law enforcement agencies would prefer more realistic testing procedures. However, the V-50 test is the best standard that currently exists.

Mr. Wallace recommended that the Committee develop parameters to revise the current V-50 requirements. It is not the Committee's goal to develop a new test. The NIJ employs scientist that develop reasonable test protocol. The Committee should recommend that the NIJ accommodate the V-50 curve and raise the standard based on variables.

Mr. Wallace reported that he attended the national NIJ meeting in Washington, D.C. in October. Revisions to the V-50 standard were discussed, such as removing 2A vests and raising the level of test ammunition. The NIJ did not directly endorse the Committee, but some conceded that the Committee's existence has motivated interested parties to take action to improve the industry.

Action Item: At the next Committee meeting, Mr. Wallace will report the final standards/recommendations developed by Homeland Security.

The meeting was adjourned at 11:37 a.m. and called back to order by Mr. Wolthoff at 1:23 p.m.

VII. Committee Chair and Vice Chair

Motion: Sergeant Rybkowski nominated Mr. Wolthoff to serve as Chair of the Committee. Mr. Wallace seconded the nomination. Mr. Wolthoff was unanimously elected as Committee Chair.

Motion: Terry Neve nominated Mr. Wallace to serve as Vice-Chair of the Committee. Mr. Wallace nominated Officer Nancy Gifford to serve as Vice-Chair. Mr. Eberhart nominated Officer Abraham. The three nominees left the room and a discussion was held. A vote was held, and Mr. Wallace was elected by a majority to serve as Committee Vice-Chair.

VIII. Committee Recommendations to NIJ in Response to RFI

Mr. Wallace initiated a discussion in order to develop Committee recommendations to be provided in response to the NIJ's RFI. After extensive debate regarding used vest testing and current V-50 standards, Mr. Wolthoff suggested that, at this time, the Committee propose a generic objective or concept, rather than recommend specific numbers and/or requirements.

Significant discussions were then held regarding testing template sizes, new vest testing requirements, vest disposal, vest maintenance, ISO standards, and warranties. As a result of these discussions, the following Committee RFI responses were developed:

1. The current vest template test sample size required by NIJ standards is not indicative of the vests most often sold and worn by actual law enforcement officials and does not adequately represent the actual size ranges of those officials.
2. New vest testing should occur on large and small templates of both male and female vests. Large male and female vests should be tested with 6 shots pursuant to current NIJ standards. Standards for new vest testing of small male and female templates should require 3 shots on each of two panels for each vest.
3. NIJ standards should include, at a minimum, guidance regarding the appropriate disposal methods for expired or used vests.
4. NIJ should cooperate with end-users and manufacturers in order to establish reasonable standards for the care, wear, use, inspection, storage, maintenance, and recording of maintenance during the lifetime of vests. Reasonable standards should also be established regarding concurrent training of the above.
5. NIJ requirements should incorporate current ISO standards and require that all soft body armor manufacturers become ISO certified.
6. NIJ's 2005 certification standards should incorporate the current interim standards that manufacturers must supply test data supporting their specified warranty period for a specified product over the time period of use of that product.

Motion: Upon motions duly made and seconded, the Committee unanimously approved the preceding six responses, with Mr. Olsen abstaining from the vote regarding response number 5.

IX. New CVT Bid

Mr. Wallace reported that the CVT solicitation would likely be reissued in the future. Those vendors already awarded would not be required to rebid. New contracts would be aligned with the current bid expiration date. The new CVT bid could also include test data on material rolls prior to production.

Mr. Olsen stated that US Armor would withdraw from CVT if retesting were a requirement in the new bid. Mr. Wallace opined that retests might be necessary if the new CVT bid incorporates the two panel, 3 shot standard.

Motion: Mr. Wallace moved that the Committee recommendations made to the NIJ be included as standards in future CVT bids. The motion was seconded and carried unanimously.

X. Industry

It was determined that a separate Industry Subcommittee was not required.

Mr. Hoffman reported that DuPont had developed a position paper regarding several recommendations made at the DOJ summit in 2004. DuPont recommended a V-50 standard of 44mm for 2A vests. The V-50 standards insure that V-0 standards will be met. Mr. Hoffman recommended that the V-50 standard be used for new vest testing and the V-0 standard used for used vest testing. Over the warranty period, vests must maintain V-0 standards.

Mr. Wachter stated that, as manufacturers add more material to their products, bulk is also added. For construction purposes, degradation numbers are not helpful due to a lack of the data needed to establish a minimum V-0 standard. When material is thinner, it is difficult for it to pass BFS tests.

Mr. Hoffman suggested that the Committee solicit several knowledgeable members in technology and physics to present a workshop and report to the entire Committee.

Motion: Mr. Eberhart moved that Mr. Hoffman chair a Testing Criteria Workshop to be organized within the Used Vest Testing/CVT Subcommittee. The motion was seconded and carried unanimously. Workshop members will be determined by Mr. Hoffman and are not required to be members of the Committee.

XI. Committee Business

Point of Order:

A concern was raised that Mr. Neve, who is not a Committee member, had made a motion within the context of the meeting. It was discussed whether it was necessary to revote on that issue.

Motion: Mr. Wallace moved to vote Mr. Neve as a Committee member. Mr. Eberhart objected, stating that the Committee was established with the concept that dealers were in non-voting positions. Mr. Wallace amended his motion to vote Mr. Neve and Mike Ott as non-voting members of the Committee. The motion was seconded and unanimously approved.

Motion: Mr. Wolthoff moved that all previously adopted motions be readopted. The motion was seconded and unanimously approved.

Motion: Mr. Wolthoff moved that the minutes of the August 2, 2005, meeting be approved with modifications indicating that Mr. Neve and Mr. Ott were not Committee members at that time. The motion was seconded and unanimously approved.

Motion: Sergeant Rybkowski moved to amend Article 1, Section 1 of the By-Laws to include industry members. The motion was seconded and carried unanimously.

The scheduling of the next Committee meeting was taken under consideration. Members will be notified of the next meeting date.

Motion: Mr. Wolthoff moved to adjourn the meeting. The motion was seconded and carried unanimously.

The meeting adjourned at 4:33 p.m.